

Message Text

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SUBJECT: PRESS GUIDANCE ON JHIRAD CASE

FOLLOWING GUIDANCE HAS BEEN PROVIDED TO DEPARTMENT SPOKES-
MAN FOR USE IN ANSWERING ANY QUERIES ON JHIRAD CASE. THE
NEW YORK POST CALLED DEPARTMENT ABOUT CASE LATE P.M. DECEM-
BER 30.

Q: WHY DID THE STATE DEPARTMENT REFUSE EXTRADITION OF THE
FORMER JUDGE-ADVOCATE GENERAL OF THE INDIAN NAVY, MR.
JHIRAD?

A: MR. JHIRAD, A FORMER JUDGE-ADVOCATE GENERAL OF THE
INDIAN NAVY, LEFT INDIA IN 1966 AND IN 1971 EMIGRATED TO
THE U.S. IN 1972 THE INDIANS SOUGHT HIS EXTRADITION FOR
TRIAL ON CHARGES THAT HE HAD EMBEZZLED NAVAL TRUST FUNDS
BETWEEN 1956 AND 1961. THE CASE PROCEEDED THROUGH THE U.S.
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COURTS AND TWO MONTHS AGO THE COURT IN N.Y. INFORMED THE
DEPARTMENT THAT MR. JHIRAD HAD BEEN FOUND EXTRADITABLE.
PURSUANT TO ITS STATUTORY RESPONSIBILITIES, THE CASE WAS
REVIEWED IN DETAIL IN THE DEPARTMENT. THE ACTING SECRETARY
HAS CONCLUDED THAT MR. JHIRAD SHOULD NOT BE EXTRADITED.
THE ACTING SECRETARY DETERMINED THAT ALL OF THE EMBEZZLE-

MENT CHARGES OUTSTANDING AGAINST MR. JHIRAD ARE NO LONGER

TRIABLE UNDER THE PROVISIONS OF THE U.S. STATUTE OF LIMITATIONS WHICH IS APPLICABLE UNDER THE TERMS OF THE EXTRADITION TREATY BETWEEN THE TWO COUNTRIES. HE CONCLUDED THAT THERE WAS NOT ENOUGH EVIDENCE TO ESTABLISH THAT MR. JHIRAD FORMED AN INTENTION TO EVADE INDIAN JURISDICTION BEFORE THE STATUTE OF LIMITATIONS RAN OUT.

Q: WHAT ABOUT JHIRAD'S CHARGES THAT THE INDIAN GOVERNMENT WANTS TO PROSECUTE HIM BECAUSE OF HIS PRO-ZIONIST POLITICAL BELIEFS?

A: THE ACTING SECRETARY ACCEPTED THE COURT DECISION THAT MR. JHIRAD HAS NOT PROVEN SUCH A MOTIVE ON THE PART OF THE INDIAN GOVERNMENT.

Q: ISN'T IT UNUSUAL FOR THE DEPARTMENT TO OVERRULE A JUDGE ON A LEGAL POINT?

A: IT IS NOT UNPRECEDENTED. DEAN RUSK ACTED IN A SIMILAR MANNER IN AN EXTRADITION CASE WITH CANADA IN THE 1960'S WHEN HE REACHED A DIFFERENT CONCLUSION FROM THE COURTS ON THE MEANING OF THE APPLICABLE TREATY PROVISION.

Q: HOW LONG HAS THE EXTRADITION TREATY BETWEEN THE U.S. AND INDIA BEEN IN EFFECT?

A: OUR EXTRADITION TREATY OF 1931 WITH GREAT BRITIAN WAS APPLIED TO INDIA AND HAS CONTINUED TO BE APPLICABLE SINCE UNCLASSIFIED

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INDIA BECAME INDEPENDENT IN 1947.

Q: ARE YOU SAYING THAT THE DEPARTMENT BELIEVES THAT THE INDIANS WERE NOT TRYING TO PERSECUTE JHIRAD FOR POLITICAL REASONS?

A: AS I SAID, THE ACTING SECRETARY ACCEPTED THE CONCLUSION OF THE COURT THAT SUCH A MOTIVE HAS NOT BEEN PROVEN.

Q: DIDN'T HE APPLY FOR POLITICAL ASYLUM? WHAT HAPPENS TO THAT?

A: YES, MR. JHIRAD DID APPLY FOR ASYLUM; HOWEVER, BECAUSE HE WAS A PERMANENT RESIDENT ALIEN OF THE U.S., HIS APPLICATION FOR ASYLUM IS NOT RELEVANT GIVEN THE DECISION ON EXTRADITION.
ROBINSON

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